

### **REMARKS/ARGUMENTS**

Claims 1-28 are pending in the application. Claims 1, 5, 6, 9-11, 13-14, 18-19 and 22-24 have been amended. New Claims 25-28 are presented herein. Support for the new claims and amendments may be found throughout the specification and in the original claims. For example, support for the amendments to claims 1, 11, 13-14, and 24 and new claims 25-27 can be found on page 4 of the specification. Support for the amendments to claims 6 and 19 can be found on page 3 of the specification and in the examples. Applicants respectfully submit that no new matter is introduced by these amendments.

#### **I. New IDS Disclosure**

Applicants note that an Information Disclosure Statement accompanies the present response. Applicants respectfully request consideration of each document set forth therein and return of an initialed copy of PTO Form 1449.

#### **II. Section 102 Rejection**

Claims 1-6, 8, 9, and 11-13 stand rejected under 35 U.S. C. §102(b) as anticipated by U.S. Patent No. 5,174,927 to Honsa, *et al.* In response, Applicants have amended claim 1 to include the feature of being adapted for application to the skin. Applicants note that the compositions as described in Honsa are liquid laundry detergents that comprise, among other ingredients, optical brighteners substantive to textiles being washed (see column 11, lines 21-24), such as stilbene. The compositions described in Honsa would not be adapted for application to the skin and therefore would not anticipate claim 1 as currently amended. Claims 2-6, 8, 9, and 11-13 are dependent on claim 1 and therefore would also not be anticipated by Honsa. Applicants further note that Honsa does not teach or suggest iminodisuccinic acid or a salt with at least one polyol in a concentration of 5 to 25% by weight, as claimed in present claim 6. Honsa does not teach the combination of iminodisuccinic acid or a salt with at least one polyol selected from the group consisting of glycerol, sorbitol and butylene glycol, as claimed in claim 9. As mentioned above, the compositions described in Honsa are liquid laundry detergents, and therefore would not be in a form selected from the group consisting of skin creams, skin lotions,

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milks, ointments, oils, balsams, and sera, as claimed in present claim 11. Honsa also does not teach a product further comprising at least one UV light protection filter, as claimed in present claim 13. Honsa also does not teach or suggest a formulation further comprising at least one anti-inflammatory compound, as claimed in claims 26-27. Therefore, Applicants respectfully request withdrawal of this rejection.

Claims 1, 2, 5-9, 18-22, and 24 stand rejected under 35 U.S.C. § 102(a) as anticipated by WO 02/19981 to Fernandez-Kleinlein, *et al.* Although Applicants do not acquiesce in the rejection, in order to expedite prosecution, Applicant has enclosed a translation of the foreign priority document for the present application to overcome this reference. The foreign priority document was filed in Germany prior to the publication date of Fernandez-Kleinlein. Applicants submit that all pending claims are fully supported by the foreign priority document. Therefore, Applicants respectfully request withdrawal of this rejection because Fernandez-Kleinlein was not published prior to the invention by the Applicants.

Furthermore, even if Fernandez-Kleinlein were prior art under 35 U.S.C. § 102(a), Fernandez-Kleinlein fails to teach all of the aspects of the invention as presently claimed. Applicants note that the only example in Fernandez-Kleinlein of a total of 13 examples that includes the combination of iminodisuccinic acid and a specific polyol, Example 10, is in tablet form, which would not be adapted for administration to the skin as provided in the present claims. Therefore, the claims of the present invention are patentably distinct from Fernandez-Kleinlein. Applicants further note that Fernandez-Kleinlein does not provide guidance on the concentration of polyols in a cosmetic or dermatological formulation. Specifically, Fernandez-Kleinlein does not teach or suggest a cosmetic or dermatological formulation with at least one polyol in a concentration of 3 to 65% by weight, based on the total weight of the composition, as claimed in claims 5 and 18. Similarly, Applicants note that Fernandez-Kleinlein does not teach or suggest a cosmetic or dermatological formulation with at least one polyol in a concentration of 5 to 25% by weight, as claimed in claim 19. Applicants further note that Fernandez-Kleinlein does not teach or suggest a product further comprising at least one UV light protection filter as

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claimed in claim 13 or a cosmetic or dermatological formulation further comprising ethanol, as claimed in claim 25. Therefore, Applicants respectfully request withdrawal of this rejection.

### **III. Section 103 Rejections**

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Honsa and U.S. Patent No. 6,395,696 to Finch. Applicants note that Finch, like Honsa, is directed to laundry detergents. Applicants note that the combination of Honsa and Finch do not disclose or suggest a cosmetic or dermatological formulation in a form adapted for administration to the skin, as claimed in present claim 7. Applicants respectfully request withdrawal of this rejection.

Claims 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Honsa and U.S. Patent No. 4,169,817 to Weber. In response to this rejection, Applicants note that Weber, like Honsa and Finch, is directed to laundry detergents. Applicants note that the combination of Honsa and Weber do not disclose or suggest a cosmetic or dermatological formulation in a form adapted for administration to the skin, as claimed in present claim 10. Furthermore, the combination of Honsa and Weber do not disclose or suggest the combination of glycerol, sorbitol and butylene glycol, as claimed in claim 10. Applicants respectfully request withdrawal of this rejection.

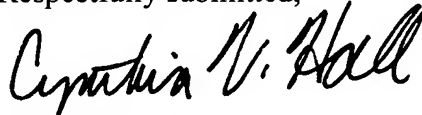
Claims 3, 4, 10, 16, 17 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez-Kleinlein. As noted above, Applicants do not acquiesce in the rejection, but in order to expedite prosecution, Applicant has enclosed a translation of the foreign priority document to overcome this reference. Applicants respectfully request withdrawal of this rejection.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned at (404) 881-7764 should the Examiner have any comments or suggestions in order to expedite examination of this case.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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